

Request for Reconsideration:

Applicants are amending claim 1 to clarify the description of the invention. No new matter is added by the foregoing amendments, and these amendments are fully supported by the specification. Applicants respectfully request that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

Remarks:

1. Rejections

Claims 1-4 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,800,673 to Okuda et al. (“Okuda”). Claims 5-10 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Okuda in view of U.S. Patent No. 5,478,872 to Yamasoe. Applicants respectfully traverse.

2. 35 U.S.C. § 102(b)

Claims 1-4 stand rejected as allegedly anticipated by Okuda. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Okuda describes each and every element as set forth in claims 1-4. Applicants respectfully traverse.

Unlike Okuda, the claimed invention describes a heat exchanger in which the tubes and fins are joined solely by means of the resin coatings on the aluminum members. Referring to Okuda’s **Fig. 5** (*i.e.*, **Fig. A** in the Office Action), the figure depicts two aluminum members that are joined by brazing over most of their contacting surface. The Office Action only alleges that a resin coating over Okuda’s joined aluminum members may help hold the heat exchanged together at the end of the brazed seam formed between the two aluminum members. Specifically, claim 1 previously described a heat exchanger comprising “a first aluminum member coated with a first portion of a resin, and a second aluminum member coated with a second portion of said resin, wherein said first aluminum member is fixed to said second aluminum member via said first portion of said resin and said second portion of said resin.” Applicants are amending claim 1 further to clarify that “said first aluminum member is separated from said second aluminum member by said first portion of said resin and said second portion of said resin.” As such, the resin fixes the aluminum members to each other.

Thus, Okuda fails at least to describe a heat exchanger as set forth in amended claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation

rejection of claim 1. Claims 2-4 depend from amended claim 1. Therefore, Applicants respectfully request that the Examiner also withdraw the anticipation rejections of claims 2-4.

3. 35 U.S.C. § 103(a)

Claims 5-10 stand rejected as allegedly rendered obvious by Okuda in view of Yamasoe. Applicants respectfully traverse.

Claims 5-10 depend from amended claim 1. As set forth above with respect to the anticipation rejection of claim 1, Okuda fails to disclose or suggest that the first aluminum member is fixed to the second aluminum member via the resin and that the first aluminum member is separated from the second aluminum member by the first and second portions of the resin. The Office Action does not allege that Yamasoe or any other reference discloses or suggests these missing elements. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 5-10.

Conclusion:

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

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